

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**CRYSTAL CALDERON,**

**Plaintiff,**

**v.**

**CIV. NO. 1:18-cv-00230-SMV**

**NANCY BERRYHILL**

**Defendant**

**STIPULATED ORDER GRANTING MOTION FOR ATTORNEYS FEES AND COSTS**

THIS MATTER is before the Court on the Stipulation of Award of Attorney Fees under the Equal Access to Justice Act, (Doc. 23), filed 10/11/2018, in which the parties stipulate to awarding Plaintiff EAJA fees in the amount of \$5,300.

IT IS THEREFORE ORDERED that Plaintiff be awarded \$5,300 in attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). See *Astrue v. Ratliff*, 560 U.S. 586, 591–93 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

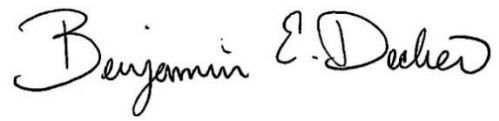
IT IS FURTHER ORDERED that if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b), Section 206(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).



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Hon. Stephan M. Vidmar

Approved as to form:

A handwritten signature in black ink that reads "Benjamin E. Decker". The signature is written in a cursive style with a large initial 'B' and a distinct 'E'.

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Benjamin E. Decker

/s/ 10/09/2018

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Thomas Kraus